

L. 92-228, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

SUBCHAPTER XXV—UNITED STATES-INDIA FUND FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

§ 290j. Establishment of the Fund

(a) Agreement with Government of India; program purposes

The President is authorized to enter into an agreement with the Government of India for the establishment of a fund (hereafter in this subchapter referred to as the "Fund") which would provide grants and other assistance for cultural, educational, and scientific programs of mutual interest. Such programs may include exchanges of persons, exchanges of information, and other programs of study, research, and scholarly cooperation. The agreement may also provide for the establishment of an endowment, a foundation, or other means to carry out the purposes of the agreement.

(b) United States representatives

The United States representatives on any board or other entity created in accordance with the agreement to administer the Fund shall be designated by the President predominantly from among representatives of United States Government agencies, including those administering programs which may be supported in whole or in part by the Fund.

(c) Funding of programs

United States Government agencies carrying out programs of the types specified in subsection (a) of this section may receive amounts directly from the Fund for use in carrying out those programs.

(Pub. L. 98-164, title IX, § 902, Nov. 22, 1983, 97 Stat. 1051.)

SHORT TITLE

Section 901 of title IX of Pub. L. 98-164 provided that: "This title [enacting this subchapter] may be cited as the 'United States-India Fund for Cultural, Educational, and Scientific Cooperation Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290j-1 of this title.

§ 290j-1. Use of United States owned rupees to capitalize the Fund

Subject to applicable requirements concerning reimbursement to the Treasury for United States owned foreign currencies, the President may make available to the Fund, for use in carrying out the agreement authorized by section 290j of this title, up to the equivalent of \$200,000,000 in foreign currencies owned by the United States in India or owed to the United States by the Government of India. Such use may include investment in order to generate interest which would be retained in the Fund and used to support programs pursuant to that agreement.

(Pub. L. 98-164, title IX, § 903, Nov. 22, 1983, 97 Stat. 1051.)

CHAPTER 8—FOREIGN SERVICE BUILDINGS

Sec.

302.

Award of contracts.

- (a) Eligibility limitation for construction, etc., abroad.
- (b) Foreign laws and regulations; competitive status and adequacy; bidder qualifications.
- (c) Contracts for construction, etc. in United States.
- (d) Discretionary determinations by Secretary of State.
- (e) Termination of requirements.

§ 302. Award of contracts

(a) Eligibility limitation for construction, etc., abroad

Eligibility for award of contracts under this chapter or of any other contract by the Secretary of State, including lease-back or other agreements, the purpose of which is to obtain the construction, alteration, or repair of buildings and grounds abroad, when estimated to exceed \$5,000,000, including any contract alternatives or options, shall be limited, after a determination that adequate competition will be obtained thereby, to (1) American-owned bidders and (2) bidders from countries which permit or agree to permit substantially equal access to American bidders for comparable diplomatic and consular building projects, except that participation may be permitted by or limited to host-country bidders where required by international agreement or by the law of the host country or where determined by the Secretary of State to be necessary in the interest of bilateral relations or necessary to carry out the construction project.

(b) Foreign laws and regulations; competitive status and adequacy; bidder qualifications

(1) Generally applicable laws and regulations pertaining to licensing and other qualifications to do business in the country in which the contract is to be performed shall not be deemed a limitation of access for purposes of this section.

(2) For purposes of determining competitive status, bids qualifying under subsection (a)(1) of this section shall be reduced by 10 per centum.

(3) A determination of adequacy of competition for purposes of subsection (a) of this section shall be made after advance publication by the Secretary of State of the proposed project, and receipt from not less than two prospective responsible bidders of intent to submit a bid or proposal. If competition is not determined to be adequate, contracts may be awarded without regard to subsection (a) of this section and this subsection.

(4) Bidder qualification under subsection (a) of this section shall be determined on the basis of nationality of ownership, the burden of which shall be on the prospective bidder. Qualification under subsection (a)(1) of this section shall require evidence of (A) performance of similar construction work in the United States, and (B) either (i) ownership in excess of fifty percent by United States citizens or permanent

residents, or (ii) incorporation in the United States for more than three years and employment of United States citizens or permanent residents in more than half of the corporation's permanent full-time professional and managerial positions in the United States.

(5) Qualification under this section shall be established on the basis of determinations at the time bids are requested.

(c) Contracts for construction, etc. in United States

Contracts for construction, alteration, or repair in the United States for or on behalf of any foreign mission (as defined in section 202(a)(4) of title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(4))) may, pursuant to the authority of that title [22 U.S.C. 4301 et seq.], only be awarded to or performed by bidders qualifying under subsection (a) (1) or (2) or by nationals of the country for which the contract is being performed who are granted the right of entry into the United States for that purpose.

(d) Discretionary determinations by Secretary of State

Determinations under this section shall be committed to the discretion of the Secretary of State.

(e) Termination of requirements

This section shall cease to be effective when the Secretary of State determines that there are internationally-agree-upon¹ rules in effect on bidding for construction contracts.

(May 7, 1926, ch. 250, § 11, as added Nov. 22, 1983, Pub. L. 98-164, title I, § 136, 97 Stat. 1029.)

REFERENCES IN TEXT

The State Department Basic Authorities Act of 1956, referred to in subsec. (c), is act Aug. 1, 1956, ch. 841, 70 Stat. 890, as amended. Title II of the State Department Basic Authorities Act of 1956, is classified generally to chapter 53 (§ 4301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1956 Amendment note set out under section 2651 of this title and Tables.

CHAPTER 9—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY

SUBCHAPTER II—NEUTRALITY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 613, 2393 of this title; title 46 App. section 1242a.

CHAPTER 15—THE REPUBLIC OF THE PHILIPPINES

SUBCHAPTER IV—GENERAL PROVISIONS RELATING TO TRADE RELATIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1373 of this title; title 48 section 734.

SUBCHAPTER IV-A—TRADE RELATIONS UNDER REVISED AGREEMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 48 section 734.

CHAPTER 18—UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS

SUBCHAPTER V-A—RADIO BROADCASTING TO CUBA

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1465g.</p> | <p>Congressional findings and declaration of purposes.
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 (b) Broadcasting as part of Voice of America.
 (c) Location of broadcast facilities; frequency; leased time from nongovernmental shortwave stations.
 (d) Changes in frequencies to other AM bands; jamming and interference.
 (e) Voice of America: Cuba Service; Voice of America: Radio Marti program.
 (f) Use of other facilities.
Cuba Service of Voice of America.
Advisory Board for Radio Broadcasting to Cuba.
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 (b) Review; recommendations.
 (c) Terms; vacancies.
 (d) Head of Cuba Service as ex officio member.
 (e) Compensation; travel expenses.
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Assistance from other government agencies.
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SUBCHAPTER VIII—APPROPRIATIONS AND OTHER FUNDS

- 1477c. Notification of reprogramings and grants; covered programs, projects, or activities; award of program grants.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1431. Congressional declaration of objectives

SHORT TITLE OF 1983 AMENDMENT

For short title of Pub. L. 98-111, which enacted subchapter V-A of this chapter, as the "Radio Broadcasting to Cuba Act", see section 1 of Pub. L. 98-111, set out as a Short Title note under section 1465 of this title.

¹So in original. Probably should be "internationally-agreed-upon".